

Sunset Public Hearing Questions for  
**TENNESSEE ATHLETIC COMMISSION**  
Created by Section 68-115-103, *Tennessee Code Annotated*  
(Sunset termination June 2010)

1. Provide a brief introduction to the Tennessee Athletic Commission, including information about its purpose, statutory duties, staff and administrative attachment.

The purpose of the Athletic Commission is to protect the participants, the ring officials and the spectators of all professional contests of unarmed combat in the State of Tennessee. The Athletic Commission collects all fees and taxes due the State of Tennessee from sale of tickets or broadcast of professional contests of unarmed combat.

The commission has sole and full discretion, authority, management, regulation and control of all professional contests of unarmed combat held, conducted or given within the state of Tennessee. The commission licenses and supervises all professional boxers, mixed martial artists, kickboxers, seconds, ring officials, managers, promoters, matchmakers and promoters in the state of Tennessee.

For administrative purposes, the Tennessee athletic commission is attached to the department of commerce and insurance for all administrative matters relating to receipts, disbursements, budget, audit and other similarly related administrative items.

Jeff Mullen is the executive director and administrator of the commission. Mr. Mullen conducts the day to day business of the commission. Mr. Mullen is the only employee of the commission.

2. Provide a list of current commission members and describe how membership complies with sections 68-115-103, *Tennessee Code Annotated*. Who appoints members? Are there any vacancies on the commission? If so, what steps have been taken to fill the vacancies?

The Governor appoints five members, the speaker of the house appoints two members and the speaker of the senate appoints two members.

Jack Sammons, Chairman, serves as member of the public. Appointed by Governor Bredesen.

D.K. Smith, Cochairman, has knowledge of and experience in boxing. Appointed by Speaker of the Senate Ramsey.

Charles Clark has knowledge of and experience in mixed martial arts. Appointed by Former Speaker of the House Naifeh.

Neal Frauwirth, M.D. is a licensed physician with knowledge of mixed martial arts. Appointed by Governor Bredesen.

Steve Hannah, has knowledge of mixed martial art. Appointed by Speaker of the Senate, Ramsey.

Stuart Howard has knowledge of and experience in boxing Appointed by Former Speaker of House Naifeh.

Terri Mast has knowledge of and experience in mixed martial arts. Appointed by Governor Bredesen.

Kurt Spindler, M.D., is a licensed physician with knowledge of mixed martial arts, boxing or sports medicine. Appointed by Governor Bredesen

Scott White serves as a member with knowledge of boxing. Appointed by Governor Bredesen.

Kurt Spindler's appointment has expired. Dr. Spindler has indicated he no longer has time to serve as a commissioner. The Governor's office is aware of the vacancy. They are in the process of replacing Dr. Spindler.

- 3 Does membership include a member who is sixty years of age or older? A member who is a racial minority? A member who is female?

Chuck Clark is over sixty years of age. Terri Mast is female. There are currently no minority members.

- 4 Have any commission members ever been removed pursuant to provisions of Section 68-115-105, *Tennessee Code Annotated*?

No members have been removed.

- 5 What compensation, per diem or travel reimbursement do members receive? How much was paid to commission members during fiscal year 2009?

The commission members receive compensation for their services in the amount of one hundred fifty dollars (\$150) for each day the commission meets and receive reimbursement for expenses incurred in attending meetings of the commission and for travel incident to attending meetings of the commission, in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter. The commission was reimbursed \$9861.36 for travel expenses. The commission earned \$11700 in per diems.

- 6 What were the commission's revenues (by source) and expenditures (by object) for fiscal year 2009?

	<b>Tennessee Athletic Commission Revenues</b>	<b><u>FY 2008-2009</u></b>
62157000	Tennessee Athletic Commission Licensing Fee	\$26,360
62158000	Tennessee Athletic Commission Gross Receipts Tax	137,757
62159000	Tennessee Athletic Commission Application Fee	18,160
62160000	Tennessee Athletic Commission Contest Permit	2,950
63120000	Tennessee Athletic Commission Penalty	0
63121000	Tennessee Athletic Commission Contest Penalty	0
	<b>TOTAL Revenue</b>	<b>\$185,227</b>

### **Tennessee Athletic Commission Expenditures**

Regular Salaries and Wages	\$ 31,836.00
Employee Benefits	7,829.51
Travel	19,917.85
Communication & Shipping	14.83
Third Party	
Professional & Admin Services	4,764.39
Supplies and Office Furniture	968.99
Rentals & Insurance	375.00
State Professional Services	43,769.12
<b>Total Expenditures</b>	<b>\$109,475.69</b>

- 7 How many times did the commission meet in fiscal year 2009, and how many members were present at each meeting?

There were 9 commission meetings in fiscal 2009.

There were 8 commissioners present plus 1 by phone at the September 5, 2008 meeting..

There were 9 commissioners present at the September 30, 2008 meeting.

There were 6 commissioners present plus 1 by phone at the November 14, 2008 meeting.

There were 8 commissioners present at the December 11, 2008 meeting.

There were 8 commissioners present at the January 8, 2009 meeting.

There were 7 commissioners present at the February 12, 2009 meeting.

There were 7 commissioners present at the March 12, 2009 meeting.

There were 5 commissioners present plus 2 by phone at the April 9, 2009 meeting

There were 7 commissioners present at the March 14, 2009 meeting.

8. Is the commission subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes and public access to minutes? If so, what procedures does the commission have for informing the public of its meetings, who keeps the official minutes of commission meetings and what steps are taken to make the minutes available to the public?

The Tennessee Athletic Commission is subject to the Sunshine law (Tenn. Code Ann. § 8-44-101 et seq.)

To insure compliance with the Sunshine Law, the dates for all scheduled meetings in the upcoming year are posted on the Tennessee Athletic Commission's Internet website in January. Additionally, on the Friday of the week before a meeting, and on the first day of the month of a scheduled meeting, email notification of the meeting (with a copy of the meeting's agenda) is sent to any private citizen who has requested notification and to representatives of the news media. The media outlets include, but are not limited to: The *Commercial Appeal* in Memphis; WTVC News channel 9 in Chattanooga; *The Tennessean* in Nashville; M. Lee Smith Publishers; the *Nashville Business Journal*; and WTVF News channel 5 in Nashville.

The meetings of the commission are recorded in the Mediaplayer format and the Commission has initiated the process of posting these videos on its Internet website, but this procedure has not been perfected at this time. The Official Minutes of each meeting are maintained by a paralegal and, after approval by the Commission, are posted on the Commission's website and are also available for public inspection on request.

9. What were the major accomplishments of the commission during fiscal year 2009?

The commission wrote the emergency mixed martial arts rules for the State of Tennessee. The Commission wrote the new mma rules for the State of Tennessee. The commission recognized three nationally recognized combat sport sanctioning bodies to regulate mixed martial arts in Tennessee. The commission regulated the first State sanctioned professional mixed martial arts event in the State of Tennessee. The commission regulated the first nationally televised mixed martial art event in the State of Tennessee. The commission regulated a nationally televised boxing event. The commission regulated events that brought in thousands of dollars in taxes to the State of Tennessee and thousands of dollars of commerce to the State of Tennessee.

10. What reports does the commission prepare on its operations, activities and accomplishments and who receives the reports?

An annual report will be prepared for the commission members. The report will include financial information, licensure information and information on disciplinary action. The report is forthcoming. This years report will be the first and will contain much of the same information included in these pages.

11. Does the commission have any policies in place to address potential conflicts of interest by commission members, commission employees, or other state employees who work with the commission in any capacity? If yes, please describe. Specifically, describe what actions are taken to assure compliance with Section 68-115-103 (h) and (i), *Tennessee Code Annotated*.

The Commission Members were apprised of the statutory restrictions of Tenn. Code Ann. § 68-115-103(h) and (i) at the inaugural meeting of the Commission and subsequent meetings. There is not a written policy on this issue currently in place, but the Chairman and Executive Director will work to develop such a policy.

12. Has the commission promulgated rules as authorized by Section 68-115-201, *Tennessee Code Annotated*? If so, please cite the references.

Emergency chapters 0145-01 through 0145-05 filed November 7, 2008; effective though April 21, 2009.

Emergency chapters 0145-01 through 0145-05 filed April 20, 2009; effective through October 2, 2009.

New rules 0145-01 through 0145-05 filed March 17, 2009; effective May 31, 2009.

13. How many types of licensure exist under the authority granted to the commission by Section 68-115-204, *Tennessee Code Annotated*?

There are four types of licenses. There are combatants, ring officials, promoters and participants

There are two types of permits, professional and amateur.

14. How many licenses have been issued by the commission in each category through the end of fiscal year 2009?

There have been 113 combatants, 8 promoters, 164 participants and 99 ring officials.

15. How many licenses have been denied, suspended or revoked pursuant to Section 68-115-209, *Tennessee Code Annotated*? What were the most common reasons for denial, suspension or revocation?

No licenses have been denied or revoked.

16. Has the commission or its administrator or staff withheld any purses pursuant to Section 68-115-212, *Tennessee Code Annotated*? If so, what were the circumstances?

No purses have been held.

17. How many permits have been issued to promoters for contests in the state pursuant to Section 68-115-205, *Tennessee Code Annotated*, through the end of fiscal year 2009? Have any permit applications been denied or permits revoked? If so, how many, and what were the most common reasons for denial or revocation?

Ten professional permits have been issued. No permits have been denied or revoked.

18. Of sanctioned events permitted in Tennessee so far, how many were professional events and how many were amateur events?

All ten permits issued were professional permits. We just started enforcing issuance of amateur permits on July 1, 2009. Amateur permits were enacted by rules changes which went into effect May 31, 2009.

19. Describe any items related to the commission that require legislative attention and your proposed legislative changes.

The commission does not have any items requiring legislative attention at this time.

20. Should the commission be continued? To what extent and in what ways would the absence of the commission endanger the public health, safety or welfare?

The commission is vital to the State of Tennessee. The commission ensures the safety of the combatants, ring officials and spectators. The commission establishes health and safety standard for the combatants. The commission works diligently to ensure public safety through fair regulation and effective supervision. There are no other organizations dedicated to the safety of the participants of professional unarmed combat sports. Deregulation would lead to underground unregulated contests. Unregulated contests would endanger the health, safety and welfare of all participants.

21. Please list all commission programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

The Tennessee Athletic Commission does not receive any federal financial assistance.

***If the commission does receive federal assistance, please answer questions 22 through 29. If the commission does not receive federal assistance, proceed directly to question 28.***

22. Does your commission prepare a Title VI plan? If yes, please provide a copy of the most recent plan.
23. Does your commission have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.
24. To which state or federal agency (if any) does your commission report concerning Title VI? Please describe the information your commission submits to the state or federal government and/or provide a copy of the most recent report submitted.
25. Describe your commission's actions to ensure that commission staff and clients/program participants understand the requirements of Title VI.
26. Describe your commission's actions to ensure it is meeting Title VI requirements. Specifically, describe any commission monitoring or tracking activities related to Title VI, and how frequently these activities occur.
27. Please describe the commission's procedures for handling Title VI complaints. Has your commission received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).
28. Please provide a breakdown of current commission staff by title, ethnicity, and gender.

Jeff Mullen is the only employee of the Athletic Commission. He is the executive director. He is Caucasian.

29. Please list all commission contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

The only contract for the Athletic Commission is for drug testing services. It is with Requestatest ltd. The liability is \$5,000. The business is owned by Ms. Noelle Perez. She is Caucasian.